

REMARKS

The present application was filed on October 23, 2003 with claims 1-37. Claims 1, 17, 29-31 and 37 are the independent claims.

Claims 1-35 and 37 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0208120 (hereinafter “Shenoi”) in view of U.S. Patent No. 6,804,717 (hereinafter “Bakshi”).

Claim 36 is rejected under 35 U.S.C. §103(a) as being unpatentable over Shenoi in view of Bakshi and U.S. Patent Application Publication No. 2004/0003080 (hereinafter “Huff”).

Applicants respectfully traverse the various §103(a) rejections for at least the reasons identified in Applicants’ previous response filed on September 21, 2009. Notwithstanding this traversal, however, Applicants have chosen to amend the independent claims without prejudice. Applicants note that the amendments made to the claims are not necessitated by any of the cited art, but rather are made to provide further clarification and to expedite allowance of the present application.

More particularly, claim 1 has been amended to recite a limitation directed to generating a plurality of versions of given data in which at least two versions of the given data have different overheads associated therewith, wherein the overhead of a given version of the given data comprising a quantity of processing resources required to serve the given version of the given data. Support for these limitations may be found in the specification at, for example, page 6, lines 12-18; page 8, lines 7-11; and page 10, lines 5-8.

Amended claim 1 also recites a limitation directed to satisfying requests so that a client belonging to a high quality-of-service class is given preferential access to data versions which require higher overheads to serve while a client belonging to a low quality-of-service class receives a data version which requires lower overhead to serve. Support for these limitations may be found in the specification at, for example, page 6, lines 1-18; page 8, lines 14-27; and page 11, line 14, to page 12, line 4, with reference to FIG. 5.

Although the foregoing amendments have not been made for reasons relating to patentability over the cited references, Applicants respectfully submit that the cited art fails to teach or suggest

any of the newly-added limitations of independent claim 1 and that amended claim 1 is thus patentable over the cited references. Similar amendments have been made the related dependent claims, which are thus believed to be similarly patentable.

Regarding the dependent claims of the present application, it is asserted that they are patentable over the cited references not only due to their dependence of respective ones of the above-mentioned independent claims, but also because such claims recite separately patentable subject matter.

Applicants have amended dependent claims 3 and 19 without prejudice solely in order to clarify the claimed subject matter. More particularly, these claims now recite limitations wherein the plurality of versions comprise images of different resolutions and clients belonging to the high quality-of-service class are given preferential access to higher resolution images while a client belonging to the low quality-of-service class receives a lower resolution image. Support for these amendments may be found in the specification at, for example, page 6, lines 1-18; and page 8, lines 14-21.

Applicants have also chosen to cancel dependent claims 14 and 16. These claims are not being canceled for any reasons relating to patentability over the prior art. Rather, these claims have been canceled solely to allow for the addition of new claims 38 and 39.

New claim 38 includes limitations wherein the at least one back-end server comprises at least a first back-end server for generating a first version of the given object and at least a second back-end server for generating a second version of the given object, wherein the first and second versions of the given object have different overheads associated therewith. New claim 39 specifies that one version of the given data is served by one back-end server while the other version of the given data is served by another back-end server. Support for both of these new claims may be found in the specification at, for example, page 6, line 22, to page 7, line 10, with reference to FIG. 2, and page 7, lines 24-26, with reference to FIG. 2.

It is believed that the cited references fail to teach or suggest the limitations of amended claims 3 and 19 and of newly added claims 38 and 39.

In view of the above, Applicants believe that claims 1-13, 15 and 17-39 are in condition for allowance, and respectfully request withdrawal of the §103(a) rejections.

Respectfully submitted,



David E. Shifren
Attorney for Applicant(s)
Reg. No. 59,329
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-2641

Date: November 23, 2009